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BEFORE THE ARIZONA CORPORATION COMMISSION  
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COMMISSIONERS

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AZ CORP COMMISSION  
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IN THE MATTER OF THE APPLICATION OF  
TACNA WATER MANAGEMENT COMPANY  
FOR AN EXTENSION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
WATER SERVICE TO VARIOUS PARTS OF  
YUMA COUNTY, ARIZONA.

DOCKET NO. W-01344A-04-0815

PROCEDURAL ORDER

**BY THE COMMISSION:**

On November 10, 2004, Tacna Water Management Company ("Tacna"), filed with the Arizona Corporation Commission ("Commission") an application for an extension of the territory under its existing Certificate of Convenience and Necessity ("CC&N").

Tacna published notice of its application in *The Sun*, a newspaper of general circulation in the requested CC&N extension territory, on November 23, 2004.

On October 31, 2005, the Commission's Utilities Division Staff ("Staff") filed a letter in this docket informing Tacna that its application had met the Commission's sufficiency requirements as outlined in the Arizona Administrative Code.

On November 2, 2005, a Procedural Order was issued setting a hearing on Tacna's application and requiring publication and mailing of notice of the hearing.

On December 1, 2005, Staff filed its Staff Report on Tacna's application, recommending approval with conditions.

On December 16, 2005, a Procedural Order was issued ordering Tacna to provide notice of the hearing as required in the November 2, 2005 Procedural Order, and continuing the hearing in order to allow sufficient time for the notice and for any intervention requests.

On December 21, 2005, Mohawk Utility Company ("Mohawk") filed a Motion to Intervene, which was granted by Procedural Order issued January 5, 2006. Mohawk has filed an application for extension of its CC&N in Docket No. W-02341A-06-0040 on January 24, 2006, requesting that its

1 service territory be extended to include an area overlapping Tacna's requested area.<sup>1</sup>

2 On January 10, 2006, Tacna filed proof of publication and mailing of notice of the hearing on  
3 its application as required.

4 The hearing convened as scheduled on February 21, 2006. Tacna's Manager, Steve Kelland  
5 and its President, Don Kelland, appeared; Mohawk's Owner/President, Robert Chris Rockwell,  
6 appeared; and Staff appeared through counsel. Tacna, Mohawk, and Staff presented evidence. At the  
7 hearing, Mohawk requested that its CC&N extension request be considered in the hearing on Tacna  
8 Water's CC&N.

9 At the hearing, Staff stated that after Mohawk filed its competing CC&N application, Staff  
10 had evaluated its position, and continued to recommend that Tacna be granted the service territory  
11 extension requested in its application.

12 At the close of the hearing, the parties were directed to file legal briefs on the issue of the  
13 proper procedural treatment of two existing CC&N extension applications that request overlapping  
14 service territory. Tacna, Mohawk and Staff subsequently made filings in the docket addressing the  
15 issue.

16 By Procedural Order issued April 7, 2006, a procedural conference was set in order to allow  
17 the parties to discuss an appropriate means of clarifying the record regarding the location of  
18 Mohawk's facilities and customers in relation to the service territory extension requested by Tacna.  
19 The Procedural Order directed the parties to be fully prepared to discuss the nature of the evidence  
20 that might be presented if further evidentiary proceedings are required. The Procedural Order also  
21 encouraged the parties to meet and communicate prior to the procedural conference to attempt to  
22 resolve disputed issues.

23 On April 14, 2006, Mohawk made a filing in this docket consisting of a map depicting its  
24 service territory and facilities.

25 A procedural conference was held as scheduled on April 19, 2006. Tacna and Staff appeared  
26 through counsel and Mr. Rockwell appeared for Mohawk. The parties indicated at the procedural  
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28 <sup>1</sup> According to Staff, Mohawk's application has not yet met the Commission's sufficiency requirements.

1 conference that a settlement of the disputed issues had been reached, and that Tacna and Mohawk  
2 planned to file a copy of a signed settlement agreement by May 19, 2006. The parties were directed  
3 to file a status report by May 19, 2006 if a settlement agreement is not filed by that date.

4 On April 21, 2006, Staff filed a copy of a map that Mohawk furnished to Staff.

5 Under the circumstances, it is necessary to extend the timeclock governing a final  
6 Commission decision in this matter.

7 IT IS THEREFORE ORDERED that the timeclock for a final Commission decision in this  
8 matter is hereby extended for a period of 90 days.

9 IT IS FURTHER ORDERED that Tacna Water Management Company and Mohawk Utility  
10 Company shall jointly file, by May 19, 2006, either a settlement agreement resolving the issues in  
11 dispute between them, or a report on the status of their settlement negotiations.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
13 Communications) applies to this proceeding and shall remain in effect until the Commission's  
14 Decision in this matter is final and non-appealable.

15 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
16 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

17 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,  
18 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
19 ruling at hearing.

20 Dated this 31 day of May, 2006

21  
22  
23   
TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE  
24

25 Copies of the foregoing mailed/delivered  
this 3 day of May, 2006 to:

26 Don Kelland  
27 Tacna Water Management Company  
28 2993 South Arizona Avenue  
Yuma, AZ 85364

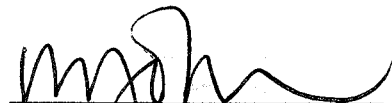
1 John Weil  
2 WEIL & WEIL  
3 1600 South 4<sup>th</sup> Ave., Ste. C  
4 Yuma, Arizona 85364

5 Robert Chris Rockwell  
6 Mohawk Utility Company  
7 36140 Antelope Drive  
8 P.O. Box 1194  
9 Wellton, AZ 85356

10 Christopher Kempley, Chief Counsel  
11 Legal Division  
12 ARIZONA CORPORATION COMMISSION  
13 1200 West Washington Street  
14 Phoenix, AZ 85007

15 Ernest G. Johnson, Director  
16 Utilities Division  
17 ARIZONA CORPORATION COMMISSION  
18 1200 West Washington  
19 Phoenix, AZ 85007

20 By:

21   
22 Molly Johnson  
23 Secretary to Teena Wolfe  
24  
25  
26  
27  
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